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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/585,762	08/22/2007	Francesc Santanach	016906-0529	7826
22428 7590 03/23/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007			EXAMINER FERGUSON, MICHAEL P	
			ART UNIT 3679	PAPER NUMBER
			MAIL DATE 03/23/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/585,762	Applicant(s) SANTANACH ET AL.	
	Examiner MICHAEL P. FERGUSON	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 04 March 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 5-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>07/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Species 1, Figures 1 and 2, claims 1-4 and 9-13, in the reply filed on March 4, 2009 is acknowledged.
2. Claims 5-8 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on March 4, 2008.

Specification

The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.
- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).

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- (I) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

3. The disclosure is objected to because of the following informalities:

In the specification, page 1, lines 11-12 recites "according to the precharacterizing clause of claim 1". Such phrase should be deleted.

Appropriate correction is required.

Claim Objections

4. Claims 3, 4 and 10 are objected to because of the following informalities:

Claim 3 (lines 2-3) recites "said slots". It should recite --said further slots--.

Claim 4 (line 2) recites "at the longitudinal". It should recite --at longitudinal--.

Claim 10 (line 3) recites "and to screw the same in the". It should recite --and into the--.

For the purpose of examining the application, it is assumed that appropriate correction has been made.

Claim Rejections - 35 USC § 112

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1-4 and 9-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Claim 1 (lines 1-7) recites "A fixing device for an expansion valve, which is connected to two lines, of a motor vehicle air-conditioning system, the two lines being positioned relative to each other by means of a line-positioning element... characterized in that the expansion valve can be fitted and can be fixed in at least twist-proof manner with the aid of the line-positioning element on a housing". It is unclear as to whether the expansion valve, the two lines and the housing have been positively claimed as elements of the claimed fixing device within claim 1, or whether the expansion valve, the two lines and the housing have only been recited as intended use. Accordingly, one is unable to properly determine the metes and bounds of such claim. Claims 2-4 and 9-13 depend from claim 1 and are likewise rejected. For the purpose of examining the application, it is assumed that such elements have only been recited as intended use. Claims 1 (lines 1-7) should recite --A fixing device for an expansion valve, which is connected to two lines, of a motor vehicle air-conditioning system, the fixing device comprising a line-positioning element for positioning the two lines relative to each other... characterized in that the expansion valve can be fitted and can be fixed in at least twist-proof manner with the aid of the line-positioning element on a housing--.

Claim 9 (line 3) recites the limitation "the heat exchanger". There is insufficient antecedent basis for this limitation in the claim.

Claim 11 (line 3) recites the limitation "the housing-side part". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-4 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by DeVinent et al. (US 3,869,153).

As to claim 1, as best understood, DeVinent et al. disclose a fixing device capable of use with an expansion valve, which is connected to two lines, of a motor vehicle air-conditioning system, the fixing device comprising a line-positioning element **24** for positioning the two lines **30** relative to each other, which is designed as a sheet-metal punched part, with two slots **54,56** for receiving the lines, characterized in that the expansion valve can be fitted and can be fixed in an at least twist-proof manner with the aid of the line-positioning element on a housing in which a part of the motor vehicle air-conditioning system is arranged (Figures 1-4, column 3 line 66-column 4 line 8).

As to claim 2, DeVinent et al. disclose a fixing device wherein the two slots **56** for receiving the lines **30** are arranged parallel to each other in the line-positioning element **24** (Figure 4).

As to claim 3, as best understood, DeVinent et al. disclose a fixing device wherein two further slots **54** are provided in the positioning element **24**, the further slots serving to position and/or fix the line-positioning element on a housing **10** (Figure 1).

As to claim 4, DeVincent et al. disclose a fixing device wherein the two further slots **54** extend in a line toward each other at longitudinal ends of the line-positioning element **24** (Figure 4).

As to claim 9, as best understood, DeVincent et al. disclose a fixing device wherein the fixing device is capable of fitting an expansion valve on the outer side of a housing **10** with respect to a heat exchanger (Figure 1).

As to claim 10, DeVincent et al. disclose a fixing device wherein at least one hole **58** is provided in the line-positioning element **24** to pass a screw **26** through and capable of screwing into an expansion valve (Figure 1).

As to claim 11, as best understood, DeVincent et al. disclose a fixing device capable of use with a housing of a multi-part design, with a housing joint **42,16** running transversely through a housing-side part of the fixing device (Figure 1).

As to claim 12, as best understood, DeVincent et al. disclose a fixing device wherein in the housing joint an opening **54,56** is provided through which protrudes at least one line **16** which is capable of being connected to an expansion valve (Figure 1).

As to claim 13, DeVincent et al. disclose an air-conditioning system for a motor vehicle, characterized by a fixing device capable of use with an expansion valve (Figure 1, column 1 lines 3-8).

Conclusion

The prior art made of record and not relied upon is considered pertinent to the applicant's disclosure. The following patents show the state of the art with respect to fixing brackets:

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Orth (US 4,468,054), Inaba et al. (US 7,469,934), Florence et al. (US 6,776,421) and Hosoya (US 6,070,659) are cited for pertaining to brackets comprising line receiving slots and screw receiving holes.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL P. FERGUSON whose telephone number is (571)272-7081. The examiner can normally be reached on M-F (6:30am-3:00pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571)272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MPF
03/19/09

/Michael P. Ferguson/
Primary Examiner, Art Unit 3679